IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5822 OF 2004.

Gadhinglaj Vyapari Nagari
Sahakari Pat Sanstha Ltd. ... Petitioner.

V/s.

Co-operative Credit Society
Employees Union. ... Respondent.

T.S.Ingale for the petitioner.

A.M.Khandekar i/b. M.S.Topkar for the respondent.

CORAM: V.C.DAGA, J.

DATED: 13th April 2006.

P.C.:

. Rule, returnable forthwith.

. Heard finally by consent of parties.

2. This petition is directed against the interim order dated 28th April, 2004 passed below Exh.U-2 in Complaint (ULP) No.221 of 2003 by the Industrial Court, Kolhapur, whereby application for interim relief came to be allowed and the transfer orders issued by the petitioner- employer (respondent therein) dated 28th May, 2005 came to be stayed till the final disposal of the complaint.

3. Mr.Ingale, learned counsel for the petitioner- employer pointed out from para 3(d) of the complaint that the complainant- Union has admitted that the employees have accepted the transfer orders under protest and joined at their respective transferred places under protest. In view of this statement, it was not necessary for the Industrial Court to grant interim relief since the transfer orders have been acted upon, though under protest.

4. This petition is pending in this Court since July, 2004. This Court, by way of ad-interim order dated 13th July, 2004, was pleased to stay the impugned order. The said interim order is operating against the respondent-Union since July, 2004. No steps have been taken by the respondent either to get the interim relief vacated or to get the petition placed on board for admission. In the circumstance, I do not think it necessary to allow the impugned order to stand, since the transfer orders have taken effect, though under protest. In this view of the matter, the impugned order is liable to be quashed and set aside and the petition is liable to be allowed.

5. In the result petition is allowed.

Impugned order stands quashed and set aside. However, considering the issues involved in the matter, the Industrial Court is directed to hear and dispose of the petition as expeditiously as possible, at any rate, within a period of one year from the date of receipt of copy of this order.

6. Rule is made absolute in terms of this order with no order as to costs.

(V.C.DAGA, J.)